



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

20 Godstone Road – Zoning By-law Amendment Application – Ontario Land Tribunal Hearing - Request for Further Directions

Date: March 3, 2023

To: City Council

From: City Solicitor

Wards: Ward 17 – Don Valley North

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding litigation.

SUMMARY

On January 20, 2019, the Applicant submitted an application to amend Zoning By-law 569-2013 and former City of North York Zoning By-law 7625 (the "**Application**") for the property municipally known as 20 Godstone Road (the "**Site**" or "**Lands**"). The purpose of the January 2019 Application (the "**Original Proposal**") was to permit the development of two additional residential buildings on the site. The site currently contains a 15-storey rental residential building that is proposed to remain, and none of the existing 174 dwelling units in the existing building are proposed to be removed or demolished. The existing rental building has a gross floor area of 16,050 square metres and a Floor Space Index ("**FSI**") of 1.44 times the area of the lot.

The Applicant appealed the Application to the Ontario Land Tribunal (OLT) for non-decision by City Council within the timeframe prescribed under the *Planning Act* (the "**Appeal**").

The City Solicitor requires further instructions at the upcoming City Council meeting on March 29, 2023 due to upcoming disclosure deadlines regarding the hearing for this Appeal.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential recommendations contained in the Confidential Attachment 1 to this report from the City Solicitor.
2. If the City Solicitor's confidential recommendations are adopted by City Council, City Council authorize the public release of the confidential instructions contained in Confidential Attachment 1 to this report from the City Solicitor.
3. City Council direct that the balance of Confidential Attachment 1 to this report from the City Solicitor remain confidential at the discretion of the City Solicitor, as it contains advice and information that is subject to solicitor-client privilege.

FINANCIAL IMPACT

There is no financial impact arising from the adoption of the Confidential Recommendations beyond what has already been approved in the current year's budget.

DECISION HISTORY

On May 22, 2019, North York Community Council considered and adopted the recommendations of a Preliminary Report from City Planning regarding the Application (Item 2019.NY6.10). The Preliminary Report and Community Council's decision can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2019.NY6.10>

On May 25, 2022 the Applicant appealed the Application to the OLT for non-decision by City Council within the timeframe prescribed under the *Planning Act* (the "**Appeal**"). The OLT held the first Case Management Conference on September 23, 2022. No hearing date has been scheduled yet.

Settlement Proposal

On February 27, 2023, the City Solicitor received a with prejudice settlement offer from the Applicant's solicitors, Goodmans LLP (the "**Settlement Offer**"). The Settlement Offer proposes to settle the OLT Appeal of the Applicant's rezoning application on the basis of revised plans prepared by IBI Group, dated December 17, 2022 (the "**Revised Plans**").

In response to the concerns raised by City staff with the applicant, the Revised Plans include a number of modifications. The Settlement Offer proposes to reduce the overall building heights from 14-storeys and 8-storeys to 12-storeys and 6-storeys, with a corresponding reduction in the overall gross floor area from 16,050 square metres to 34,480 square metres.

The following table provides a summary of the development statistics for the Original Proposal of January 20, 2019, and the Revised Plans.

	Application As Submitted Plans dated February 2019	Settlement Offer Plans dated December 17, 2022
Site Area	11,115 square metres	11,115 square metres
FSI	3.09	2.80
Existing Building GFA	16,050 square metres	16,050 square metres
Proposed Don Mills Road Building GFA	13,140 square metres	9,084 square metres
Proposed Godstone Road GFA	5,291 square metres	5,966 square metres
Total Residential GFA (existing and proposed)	34,480 square metres	31,100 square metres
Indoor Amenity	550 square metres	570 square metres
Outdoor Amenity	733 square metres	1,495 square metres
Units existing building	Studio – 2 (1 percent) 1 Bedroom – 61 (35 percent) 2 Bedroom – 84 (48 percent) 3 Bedroom – 27 (16 percent) Total - 174	Studio – 2 (1 percent) 1 Bedroom – 61 (35 percent) 2 Bedroom – 84 (48 percent) 3 Bedroom – 27 (16 percent) Total - 174
New Units Proposed- Don Mills Road building	Studio – 1 (1 percent) 1 Bedroom – 134 (74 percent) 2 Bedroom – 32 (18 percent) 3 Bedroom – 14 (7 percent) Total - 181	Studio – 0 (0 percent) 1 Bedroom – 55 (44 percent) 2 Bedroom – 59 (47 percent) 3 Bedroom – 11 (9 percent) Total - 125
New Units Proposed- Godstone Road building	Studio – 0 (0 percent) 1 Bedroom – 46 (69 percent) 2 Bedroom – 13 (19 percent) 3 Bedroom – 8 (12 percent) Total - 67	Studio – 0 (0 percent) 1 Bedroom – 21 (30 percent) 2 Bedroom – 34 (49 percent) 3 Bedroom – 15 (21 percent) Total - 70

Existing Building Height	15 Storeys 39.7 metres	15 Storeys 39.7 metres
Proposed Don Mills Road Building Height	15 Storeys 41.5 metres (plus 4.7 metre mechanical penthouse)	12 Storeys 39.0 metres (plus 4.4 metre mechanical penthouse)
Proposed Godstone Road Building Height	8 storeys 26.5 metres (plus 5 metre mechanical penthouse)	6 storeys 20 metres (plus 5 metre mechanical penthouse)
Vehicle Parking	Resident - 343 Visitor – 42 Total - 385	Resident - 306 Visitor – 36 Total - 342
Bicycle Parking	Resident – 288 Visitor- 31 Total - 319	Resident – 252 Visitor- 27 Total - 278

Additional components of the Revised Proposal consist of an overall increase in the amount of landscaped open space of 253.3 square metres to reach a minimum amount of 5,000 square metres of landscaped open space, amongst other things.

COMMENTS

The City Solicitor requires further instructions on this matter. This report is about ongoing litigation before the OLT and contains advice or communications that are subject to solicitor-client privilege. The City Solicitor requires direction for this matter prior to the conclusion of the March 29, 2023 meeting of City Council.

CONTACT

Marc Hardiejowski, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 392-4960; Fax: (416) 397-5624; Email: marc.hardiejowski@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Public Attachment 1 - Letter from Goodmans LLP dated February 27, 2023 containing the With Prejudice Settlement Offer, including revised architectural plans
2. Confidential Attachment 1 - Confidential Information
20 Godstone Road – Zoning By-law Amendment Application - Ontario Land Tribunal Hearing - Request for Further Directions